

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 21, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B141371 D.C.F.S. v. Armando W.
B142730 D.C.F.S. v. Natividad S. et al.
B142808 Paulk v. Snyder
B142845 D.C.F.S. v. Elizabeth L.

Argument waived, cause submitted.

B134529 Fidelity National Credit Services
 v.
 Copriviza

Merits:

Argued by Stephen A. DiGiuseppe for appellant and by Bridget A. Esquibias for respondent. Cause submitted.

B135402 Lanzarotta
 v.
 Ortega et al.

Merits:

Argued by Allan Treffry for appellant and by Mark E. Hellenkamp for respondents. Cause submitted.

DIVISION ONE (Continued)

B140193 Turner et al.

v.

Miller Automotive Group et al.

Merits:

Argued by Douglas Turner for appellants, by Jean-Paul Marie Menard for respondent American Honda Motor and by Robert D. Daniels for respondent Miller Honda. Counsel waive the presence of Presiding Justice Spencer. Submission deferred to February 22, 2001.

B135212 Bernstein

v.

Bernstein

Merits:

Argued by Elyse R. Margolin for appellant and by Gary W. Kearney for respondent. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B129291 Russian American Enterprise Council, Inc.

v.

RMS Foundation, Inc.

Merits:

Argued by Ronald E. Hermanson for appellant and by Scott Richard Lord for respondent. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

B138367 Golt

v.

City of Los Angeles et al.

Merits:

Argued by Diane Marchant for appellant and by Janis Levart Barquist, deputy city attorney, for respondents. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B134506 Young et al.
 v.
 City of Santa Clarita et al.

Merits:

Argued by Jane Szerman for appellants and by Brian A. Pierik for respondent City of Santa Clarita. No appearance for respondent County of Los Angeles. Cause submitted.

B139974 Ghaffari
 v.
 C & L Restaurant Group, Inc.

Merits:

Argued by Alex Bradley Joseph for appellant and by Jonathan H. Colman for respondent. Counsel waive presence of Presiding Justice Spencer. Cause submitted.

B140639 Congress of California Seniors et al.
 v.
 Catholic Healthcare West et al.

Merits:

Argued by Carol Golubock for appellants and by Barry S. Landsberg for respondents. Cause submitted.

Court adjourned.

February 21, 2001-Continued

DIVISION THREE

B140340 People (Not for Publication)
v.
Salinas

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B136908 People (Not for Publication)
v.
Martinez, Sr.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B133193 People v. Enriquez (Not for Publication)
In re Marcos Anthony Enriquez on Habeas Corpus

The judgment is affirmed; the petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B138204 People v. Reed (Not for Publication)

The conviction for receiving stolen property (Pen. Code, 496d, subd., (a), count 2) is reversed. The sentence imposed as to that count is vacated. The stay on the 25 years to life in prison imposed on count 1, unlawfully driving or taking a vehicle (Veh. Code, 10851, subd. (a)), is hereby lifted, resulting in a term of 25 years to life for the crime of unlawfully driving or taking a vehicle. We order the Clerk of the Superior Court, on issuance of the remittitur, to correct the abstract of judgment to reflect the imposition of a sentence of 25 years to life on count 1, unlawful taking or driving a vehicle (Veh. Code, 10851, subd. (a)). In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B137739 People (Not for Publication)
v.
Deleon, Jr.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B136331 People
v.
Kevin Allen

Filed order denying petition for rehearing.

DIVISION FOUR

B132797 Thomas Linehan (Not for Publication)

v.

Regents of the University of California et al.

Ski, Inc., et al.

The judgment of nonsuit in favor of the Regents, PCL and R & R Masonry is affirmed. The judgment of nonsuit in favor of Bielski is reversed. The Regent defendants are to bear their own costs on appeal. Plaintiff and Bielski shall bear their own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.

Curry, J.

B141773 Kathleen Anne Ehret et al. (Certified for Publication)

v.

Congoleum Corporation

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B138595 Pomona Medical Investors (Not for Publication)

v.

Rashidi A. Ajani

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

DIVISION FOUR (Continued)

B138654 Louis Godinez (Not for Publication)
 v.
 Veronica Godinez

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

B145764 Michael M. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied for failure to establish the
absence of an adequate remedy at law.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B140035 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Veronica M.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FOUR (Continued)

B139012 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Calvin H. and Iris H.

The order terminating parental rights is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B139120 People (Not for Publication)
v.
Cobra J. Scott

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B139396 People (Not for Publication)
v.
Dyke O'Quinn

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B133507 Edward Hayden (Not for Publication)
 v.
 Francisco Vargas et al.

The judgment is affirmed, except that the order denying costs to defendants is reversed, and the matter is remanded to the trial court for further proceedings on the defendants' costs bill, consistent with this opinion. Defendants to recover their costs on appeal and on the cross-appeal.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B136280 People (Not for Publication)
 v.
 Mitchell

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B145232 People (Not for Publication)
 v.
 Brush

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B142712 S.L.O. D.P.S.S. (Not for Publication)
 v.
 Robert C.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B142665 People (Not for Publication)
 v.
 Williams

We remand the matter to permit the trial court to impose the appropriate sentence under section 213, subdivision (a)(1)(B). (*See, e.g., People v. Kelly* (1999) 72 Cal.App.4th 842, 844-847.)

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B141568 People (Not for Publication)
 v.
 Jenkins

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B144975 Popkin (Not for Publication)

v.

Superior Court, Los Angeles County
(People of the State of California , r.p.i.)

The petition for writ of mandate is granted. The superior court is instructed to order return of the \$25,850 cash--or issuance of a county warrant in that amount--to petitioner under the conditions described in the opinion.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

B140135 People (Not for Publication)

v.

Campbell

The order under review is modified by vacating the order upon revocation of probation imposing a \$1,600 restitution fine. The judgment is modified by striking the \$200 restitution fine. In all other respects, the order under review and the judgment are affirmed. The court shall cause its clerk to prepare and send an amended abstract of judgment to the California Department of Corrections indicating appellant is not obligated to pay a restitution fine under Penal Code section 1202.4 subdivision (b).

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B140172 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Henry C.

The judgment terminating father's parental rights is reversed and the cause remanded for a new jurisdictional hearing, depending on the outcome of that hearing, for further proceedings consistent with this opinion.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.